

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-11 remain pending in the present application. No new matter has been added.¹

By way of summary, the Office Action presented the following issues: Claim 10 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 1-2, 5-6, 8, and 10-11 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Application Publ'n No. 2004/0261093 to Rebaud et al. (hereinafter "Rebaud") in view of U.S. Patent Application Publ'n No. 2005/0203853 to Yamamoto et al. (hereinafter "Yamamoto"); and Claims 3-4, 7, and 9 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto and Official Notice.

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicant and Applicant's representative wish to thank Examiner Shibru for the courtesy of the personal interview granted on October 26, 2010. During the interview, amendments clarifying the claims over the applied references were discussed. Claim amendments and comments differing from those presented during the interview are included herein.

REJECTION UNDER 35 U.S.C. § 101

Claim 10 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicant has amended Claim 10, which is now directed to a storage medium. Because a storage medium is a manufacture, it is submitted that Claim 10 is directed to

¹ The amendments to independent Claims 1 and 10-11 find support at least in Figure 33 and in its accompanying text in the specification. The amendments to Claim 2 find support at least in Figure 35 and in its accompanying text in the specification.

statutory subject matter. Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 101.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2, 5-6, 8, and 10-11 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto. In light of the several grounds of rejection on the merits, independent Claims 1 and 10-11 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 1 is directed to a content processing apparatus including, in part,

a first source ID list that indicates providing sources of contents whose reproduction is permitted; . . .

a reproduction permission/inhibition decision section that decides whether each of the contents is reproducible based on a source ID applied to the content and said first source ID list; and

a title list production section that produces a list of title information of the contents such that a display of the title information of one of the contents which has been decided, based on the source ID applied to the one of the contents and said first source ID list, to be non-reproducible by said reproduction permission/inhibition decision section can be distinguished from a display of the title information of the one of the contents if the one of the contents has been decided to be reproducible.

Rebaud and Yamamoto fail to disclose or suggest those features.

Rebaud concerns a media service delivery system that maintains “a separate list 111 of approved device IDs for each category of media content.”² The Office Action acknowledged, “Claim 1 differs from Rebaud in that the claim further requires a title list production section for producing a list of title information of the contents in such a manner

² Rebaud, para. [0040].

that the title information of those contents which are decided to be non-reproducible by said reproduction permission/inhibition section can be distinguished.”³

It is respectfully submitted Rebaud does not disclose or suggest that “a display of the title information of one of the contents which has been decided, based on the source ID applied to the one of the contents and said first source ID list, to be non-reproducible . . . can be distinguished from a display of the title information of the one of the contents if the one of the contents has been decided to be reproducible,” as recited in amended Claim 1.

Yamamoto concerns a playback terminal in which “The display unit 207 displays normal buttons for corresponding playback content that is playable, and displays grayed out buttons for corresponding playback content that is not playable.”⁴ According to a Yamamoto content playability judgment processing, a “key control unit 204 obtains the play ability information . . . , and . . . if the set value indicates ‘not playable’, the key control unit 204 judges that the specified content is not playable (S1402 to S1403).”⁵ Additionally, according to a Yamamoto rights judgment processing, a “rights processing unit 208 further judges whether or not the content is usable, based on the playback count and the playback expiration.”⁶

That is, the Yamamoto content playability judgment processing is merely based on playability information.⁷ Further, the Yamamoto rights judgment processing is merely based on a playback count and a playback expiration. Yamamoto is silent as to a decision whether playback content is playable based on a source ID or a source ID list, as recited in amended Claim 1.

Yamamoto does not disclose or suggest that “a display of the title information of one of the contents which has been decided, based on the source ID applied to the one of the

³ Office Action at 3.

⁴ Yamamoto, para. [0112].

⁵ Id., para. [0145].

⁶ Id., para. [0153].

⁷ See also id., para. [0146].

contents and said first source ID list, to be non-reproducible . . . can be distinguished from a display of the title information of the one of the contents if the one of the contents has been decided to be reproducible,” as recited in amended Claim 1.

Thus, Rebaud and Yamamoto, taken alone or in combination, fail to disclose or suggest that “a display of the title information of one of the contents which has been decided, based on the source ID applied to the one of the contents and said first source ID list, to be non-reproducible . . . can be distinguished from a display of the title information of the one of the contents if the one of the contents has been decided to be reproducible,” as advantageously recited in amended Claim 1.

For at least the foregoing reasons, it is submitted Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of Rebaud and Yamamoto.

For at least analogous reasons, it is submitted that independent Claims 10-11 patentably distinguish over any proper combination of Rebaud and Yamamoto.

Claims 3-4, 7, and 9 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto and Official Notice. Applicant respectfully traverses the taking of Official Notice.

In particular, regarding Claims 3-4, the Office Action took Official Notice that “it is notoriously well known in the reproducing and recording art to delete selected content.”⁸ Even assuming that it was well-known to have that feature, it might not have been known to delete content decided to be non-reproducible by *a reproduction permission/inhibition decision section* having the operation as recited in Claim 1, from which Claims 3-4 depend.

Further, regarding Claims 7 and 9, the Office Action took Official Notice that “it is notoriously well known in the recording and reproducing art to provide . . . icons or different

⁸ Office Action at 5.

color/luminance information to distinguish contents.”⁹ Even assuming that it was well-known to have that feature, it might not have been known to modify *a title list production section*, as recited in Claim 1, from which Claims 7 and 9 depend, in view of that feature.


Thus, it cannot be instantly and unquestionably demonstrated that the subject matter of dependent Claims 3-4, 7, and 9 was well-known at the time of Applicant’s invention. Accordingly, Applicant requests that the Office support its taking of Official Notice with documentary evidence in compliance with MPEP § 2144.03 A.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the applied references. The application is therefore in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁹ Id.